



UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/056,986 05/04/93 WOOLFORD

M M&G3616.73US

KENT, C EXAMINER

35M1/0123

MERCHANT, GOULD, SMITH, EDELL,  
WELTER & SCHMIDT  
1000 NORWEST CENTER  
SAINT PAUL, MN 55101-2701

ART UNIT	PAPER NUMBER
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3504

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DATE MAILED: 01/23/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined

☒ Responsive to communication filed on 10/21/94

☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                   |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____  |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-15 and 21-34 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☒ Claims 1-15, 23-27, 29-30, and 32-34 are allowed.
4. ☒ Claims 21, 22, 28 and 31 are ~~re~~ rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable, ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved, ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

*C. Kent*

EXAMINER'S ACTION

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The following office action is in response to patent examination application SN 08/056,986 filed on 05/04/93.

Acknowledgement is made of the receipt of the response entered 10/21/94. Claims 16-20 have been cancelled. Claims 22-34 have been added. Claims 1-15 and 21-34 are pending on the merits.

**SPECIFICATION - 35 U. S. C. 112 OBJECTIONS FIRST PARAGRAPH**

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as the specification, as originally filed does not provide support for the invention as is now claimed. Newly submitted claims 22, 28 and 31 contain a limitation directed to a block having a second protrusion. No basis for this subject matter is found in the specification, drawings, or claims as originally filed.

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**CLAIMS - 35 U.S.C. 112 REJECTIONS FIRST PARAGRAPH**

Claims 22, 28 and 31 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

**CLAIMS - 35 U. S. C. 102 REJECTIONS**

Claim 21 is rejected under 35 U.S.C. § 102(b) as being anticipated by Forsberg '876. Forsberg '876 teaches a method of building a retaining structure comprising the method step of laying each course to form said retaining structure. Examiner notes that this single method step is the only method step found in the claim. Little weight is given to structural limitations found in a method claim unless they are required to perform the method step. In the case of claim 21, none of the recited structures are required to perform the claimed method step.

**ALLOWED CLAIMS**

Claims 1-15, 23-27, 29-30 and 32-34 are allowable over the prior art of record. The prior art of record fails to anticipate or render obvious the claimed block including the front surfaces

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of the back legs of the block being angled toward the block front surface.


**RESPONSE TO REMARKS**

Applicant's arguments filed 10/21/94 have been fully considered but they are not deemed to be persuasive with regard to claim 21. See explanation of position in the rejection of claim 21.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication should be directed to Christopher Kent at (703) 308-2497.

  
Christopher Kent  
January 23, 1995

  
CARL D. FRIEDMAN  
SUPERVISORY PATENT EXAMINER  
GROUP 3500